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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,761	09/14/2005	Aloys Wobben	970054.478USPC	6734

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EXAMINER	
ARTHUR JEANGLAUD, GERTRUDE	
ART UNIT	**PAPER NUMBER**
3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/516,761	WOBBEN, ALOYS	
	Examiner	Art Unit	
	Gertrude Arthur-Jeanglaude	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/19/05,9/14/05,7/21/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The word “disclosure” first line of the abstract; the word “said” lines 5, 11 of the abstract should be avoided.

The disclosure is objected to because of the following informalities: in the specification, page 11, line 15-18, it is unclear as to what above patents, publications, foreign e.t.c is being referred to since those numbers are not provided. No such is mentioned above. Preferably, the publication, patent or foreign numbers should appear in the first page of the specification referring to as incorporated by reference.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the means for theft of energy is inhibited from an energy accumulator.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fumio et al. (GB 2 353 151 A).

As to claim 21, Fumio et al. disclose an energy accumulator exchange station, comprising means for exchanging an energy accumulator; means for determining an amount of compensation due as a result of an exchange of an energy accumulator; and means for inhibiting theft of energy from an energy accumulator (See abstract).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (2003209375).

As to claims 1-20, Suzuki et al. disclose a method for supplementing and calculating energy consumed by a vehicle comprising a receiving area for a first energy (cassette-type battery) accumulator, the method comprising removing a first energy accumulator

from a vehicle (removable battery See abstract); introducing a second energy accumulator with a preset energy level into the vehicle (See abstract, charging battery levels); determining a difference in an amount of energy in the first and in the second accumulator (comparing energy to determine difference see paragraph 0006) ; transmitting a value indicating the difference to a data acquisition device (sending a signal considered as radio signal to a data acquisition device or main computer; see paragraph 0120); inhibiting withdrawal of energy from the second energy accumulator and/or a vehicle drive-away ; (See paragraph 0120). Suzuki et al. disclose a charging station for an electric automobile wherein it discloses releasing the energy withdrawal and/or drive-away inhibition via a signal (See paragraph 0120). Moreover, Suzuki et al. disclose a function test and/or several additional tests before a recharging process; storing preset data from a test or in an energy accumulator; and transport means that transports the vehicle past various work positions and also discloses payment of energy (See paragraph 0135, 0153, 0164).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fumio et al. (GB 2 353 151 A). in view of Tatsuno (JP 5292608)

As to claims 1-21, Fumio et al. disclose a method for supplementing and calculating energy consumed by a vehicle comprising a receiving area for a first energy (battery) accumulator, the method comprising removing a first energy accumulator from a vehicle; introducing a second energy accumulator with a preset energy level into the vehicle; determining a difference in an amount of energy in the first and in the second accumulator; transmitting a value indicating the difference to a data acquisition device; inhibiting withdrawal of energy from the second energy accumulator and/or a vehicle drive-away ; (See abstract). Funio et al fail to specifically disclose releasing the energy withdrawal and/or drive-away inhibition via a signal. In an analogous art, Tatsuno disclose a charging station for an electric automobile wherein it discloses releasing the energy withdrawal and/or drive-away inhibition via a signal (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Fumio and that of Tatsuno by having an energy released via a signal for the purpose of detecting the state of the body (vehicle).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takaoka et al. (U.S. Patent No. 6,166,449).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gertrude A. Jeanglaude
Gertrude A. Jeanglaude
Primary Examiner
AU 3661

gaj